

### **REMARKS**

Claims 1-39 are pending in the present application. Claims 1, 14 and 27 are independent.

### **REJECTION UNDER 35 U.S.C. § 103(a)**

Claims 1, 2, 4, 14, 15, 17, 27, 28 and 30 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fujii in view of Keskitalo, and further in view of Russell. Applicant respectfully traverses this art grounds of rejection.

Applicant respectfully submits that Fujii fails to teach or suggest a base station servicing a macrocell and at least one microcell comprising at least: “one steerable N-dimensional ( $N \geq 2$ ) array co-located with an antenna of said base station, the steerable N-dimensional array for serving the microcell within the macrocell, the **base station being in the macrocell but not the microcell**” as recited in claim 1.

Referring to Figs. 5A and Col. 3, lines 26 through line 45 of Fujii, a block diagram of a base station is disclosed. The base station has two antennas having the directivities  $\theta_{in}$  and  $\theta_{out}$  in a vertical plane so that two different cells are obtained. These cells are referred to an inner cell and an outer cell. The respective base stations are called an inner base station and an outer base station.

Referring to Fig. 5B of Fujii, the structure of the cells is disclosed. The antennas are represented by 10<sub>1</sub> and 10<sub>2</sub> and the inner cell and outer cell are represented by 20 and 30, respectively. As shown in the figure, the single base station, containing the two antennas, must be placed in the inner cell, which is within the outer cell. Thus, Fujii

does not disclose or suggest “one steerable N-dimensional ( $N \geq 2$ ) array co-located with an antenna of said base station, the steerable N-dimensional array for serving the microcell within the macrocell, the **base station being in the macrocell but not the microcell**” as recited in claim 1.

Neither Keskitalo nor Russell teaches or suggest the above feature, where the base station is in the macrocell but not the microcell. Therefore, Fujii in view of Keskitalo and further in view of Russell cannot render claim 1 obvious to one skilled in the art.

Independent claims 14 and 27 include similar limitation to claim 1; and therefore, are patentable at least for reasons similar to those stated above with respect to claim 1.

Claims 2, 4, 15, 17, 28 and 30, dependent upon claims 1, 14 and 27, are patentable for the reasons stated above with respect to claim 1, 14 and 27, as well as on their own merits.

Claims 3, 8, 12, 13, 16, 21, 25, 26, 34, 38 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fujii in view of Keskitalo and Russell as applied to claims 1, 14, and 27, and further in view of Raith. Applicant respectfully traverses.

Raith does not teach or suggest the base station with at least “one steerable N-dimensional ( $N \geq 2$ ) array co-located with an antenna of said base station, the steerable N-dimensional array for serving the microcell within the macrocell, the base station being in the macrocell but not the microcell” as recited in claim 1, and similarly recited in claims 14 and 27. Raith reveals thus does not overcome the above noted deficiencies of Fujii, Keskitalo and Russell as applied to claims 1, 14 and 27. Therefore, claims 3, 8, 12, 13, 16, 21, 25, 26, 38 and 39, dependent upon claims 1, 14 and 27, are patentable for the

reasons stated above with respect to claim 1, 14 and 27, as well as for the further features recited therein.

Claims 5-6, 10, 18-19, 23, 31-32, and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fujii in view of Keskitalo and Russell as applied to claims 1, 14 and 27, and further in view of Velazquez. Applicant respectfully traverses.

Velaquez is applied for limited teachings. A cursory review of Velazquez reveals that Velaquez does not overcome the above noted disclosure and suggestion deficiencies of Fujii in view of Keskitalo and Russell as applied to claims 1, 14 and 27. Therefore, claims 5-6, 10, 18-19, 23, 31-32, and 26, dependent upon claims 1, 14 and 27, are patentable for the reasons stated above with respect to claim 1, 14 and 27, as well as for the further teachings recited therein

Claims 7, 9, 20, 22, 33, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fujii in view of Keskitalo, Russell, and Velazquez as applied to claims 5-6, 10, 18-19, 23, 31-32 and 36, and further in view of Searle. Applicant respectfully traverses.

Searle is applied for limited teachings. A cursory review of Searle reveals that Searle does not overcome the above noted deficiencies of Fujii in view of Keskitalo, Russell, and Velazquez as applied to claims 5-6, 10, 18-19, 23, 31-32 and 36 with respect to corresponding independent claims 1, 14 and/or 27. Therefore, claims 7, 9, 20, 22, 33 and 35, dependent upon claims 1, 14 and 27, are patentable for the reasons stated above with respect to claim 1, 14 and 27, as well as for the further features recited therein.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

**CONCLUSION**

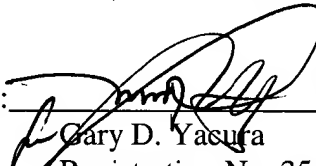
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Gary Yacura at (703) 668-8023 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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